

*The World Congress III against the Sexual Exploitation of Children and Adolescents 2008 in the Rio de Janeiro Declaration called upon the national and state policy and legislature, the tourism, travel, and hospitality industry and other stakeholders to:*

- Criminalize production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the consumption, access and viewing of such materials where there has been no physical contact, extending legal liability to entities such as corporations and companies in case of responsibility for or involvement in the production and/or dissemination of such materials.
- Undertake specific and targeted actions to prevent and stop child pornography and the use of the internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification and support and care by specialized staff should be made a high priority;
- Take necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.

*Child pornography in tourism is an organised and serious crime and is growing. It demands committed and concerted action. Governments, international bodies and tourism industry must approach this with a sense of urgency and outrage. They must play proactive, decisive and demonstrated roles in protection of children and promise that tourism will be ethical, humane and non exploitative. Capacity building of the police, government departments, immigration, airport authorities, hotel and travel industry, and local NGOs to address child pornography and child abuse issues is critical.*

Are you interested in knowing more about the impacts of tourism particularly on the child? For more information write to us at [info@equitabletourism.org](mailto:info@equitabletourism.org) or visit our website [www.equitabletourism.org](http://www.equitabletourism.org)



#### Who we are

Established in 1985, EQUATIONS is a research, advocacy and campaigning organization charged with the vision of democratising tourism in India. We study the social, cultural, economic and environmental impacts of tourism on local communities. A key area of our work is the impacts of tourism on children.

# Child Pornography & Tourism



## A PRESSING CONCERN

India is home over 375 million children, comprising nearly 40% of its population. Unfortunately it also has the largest number of sexually abused children in the world. A National Study on Child Abuse (April 2007), covering 13 states in India and a sample size of 12,446 children,

commissioned by the Ministry of Woman and Child Development, Government of India revealed that over half the surveyed children (53%) were sexually abused. Forms of sexual abuse included photographing a child nude and exposing a child to pornographic materials.

Child pornography is a growing concern within India. Through still and video cameras, sexually abusive images of children are produced. These images are accessed via the internet and increasingly now over mobile phones. The internet provides anonymity to paedophiles who access the virtual spaces of newsgroups, chat rooms, e-mail and websites. The internet has enabled massive expansion in materials available and made access relatively easy and inexpensive. These technologies also facilitate organised sexual abuse and violence against children by networks of commercial buyers, sex tourists, paedophiles and traffickers. It is linked with several actors across borders and has direct links to tourism. One country can be a place where production takes place, the child used for the pornographic production could be from a second country, and the final pornographic product could be or end up in a third country.

**Child pornography is also linked to other forms of abuse such as child labour, child prostitution, child trafficking and child sex tourism.**

## EXPLOITING CHILDREN'S VULNERABILITY

Children get tricked / coerced into engaging in sexual acts for the production of pornography. Images may be made in the process of sexually exploiting a child without their knowledge. These images are then sold for a price or traded as voluntary exchange. Those who consume and/or possess pornographic depictions of children tend to continue to exploit these children resulting in a vicious cycle.

## LEGAL FRAMEWORK IN INDIA

The issue of child pornography received scant attention in the Indian legal system until recently. The Indian Penal Code 1860, Indian Post Office Act 1898 and Indecent Representation of Women (Prohibition) Act 1986 have been applied to prosecute offenders for offences related to the use of obscene materials. But

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these legislations are limited to visual representations, leaving out audio materials and simulated images, which are covered under international law. In 2000, the Information Technology Act came into force which transmitting obscene materials in electronic form punishable but failed to specifically mention child pornography. In 2009, the Information Technology (Amendment) Act 2008 came into force and it incorporated Section 67 (B) which prohibits and punishes the offender from publishing or transmitting material depicting children in a sexually explicit manner online or in electronic content. This amendment takes into consideration the international child protection standards set forth in the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography 2000. Furthermore it specifically addresses computer-related crimes against children.

Another important legislation is the Goa Children's Act (2003), applicable to the state of Goa. It was the first Act in the country

which recognised that tourism is a contributor to child exploitation. This Act punishes any form of soliciting, publicizing or providing of children to any adult or even other children for purposes of commercial exploitation. This includes hosting websites, taking suggestive or obscene photographs, providing materials, soliciting costumers, guiding tourists and other clients, appointing touts, using agents, or any other form which may lead to abuse of a child.

In 1996, the Freddy Peats case (Freddy Peats vs India, 1996, Session Case No. 24 of 1992) first created public awareness on child abuse and pornography. Freddy Peats a foreigner of unknown origin, was convicted in India for sexually abusing children, prostituting boys under the guise of running a shelter and in possession of 2305 child pornographic photos, 135 strips of negatives, as well as medication and narcotic substances. This was the first conviction for running an organised paedophilia racket in India. This case should have alerted the existence of an organised system but it was dismissed by officials and the tourism industry as an aberration. Subsequently many such cases on child abuse have been unearthed, many of them with direct links to tourism, however the record of convictions on these cases have been abysmal.

The Interpol, in workshops organised by civil society organisations, has indicated that there seems to be a growing trend of child pornography material linked to India, but that the issue does not seem to, be on the radar of enforcement officials in the country. In a very recent development, child pornography has come under the scanner specifically when in November 2009, for the first time a case was registered against an offender under

the Section 67 (B) of the Information Technology Act (2008). Wilhelmus Weijdeveld (56), a Dutch national was arrested on 7th November 2009 by the cyber crime wing of the police, after being alerted by the Interpol that he was uploading pornographic material of children. On 10th February 2010 he was released on bail as the Central Crime Branch (CCB) failed to file the required charge sheet against him within 60 days from the date of his arrest. Yet another indication of the lack of seriousness and apathy of Indian officials towards protecting children.

